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October 22, 1996

Christopher J. Gagin, Esq.
King, Hargrave, Scurti & Jack
P. O. Box 249
200 Sinclair Building
Steubenville, OH 43952

RECEIVED

OCT 23 1996

CANTON DROP FORGE

Re: The Critter Company, Inc. vs. Canton Drop Forge, Inc.
Case No. 1996CV00615 (Stark County Court of Common Pleas)

Dear Mr. Gagin:

This will confirm your voice mail message left on October 16, 1996, indicating that Mr. Jerry Coon and Mr. Scott Klingensmith are available for discovery depositions on November 19, 20, and 21, 1996. Let us plan on proceeding with Mr. Coon's deposition on November 19, 1996, beginning at 9:00 a.m. in our office. We will take the deposition of Mr. Klingensmith on November 20 beginning at 9:00 a.m. in our office. We will make arrangements for the attendance of a court reporter.

Mr. Keith Houseknecht is available to give a deposition on November 21, beginning at 9:00 a.m. in our office. We will make arrangements for the attendance of a court reporter, but you will be responsible for the attendance fee.

We are awaiting a call back from the attorney for Hammontree concerning Mr. Gene Hill's availability to give a deposition in that same week.

Very truly yours,

Matthew Yackshaw

MY:llm

bcc: Mr. Fred H. Zollinger, Jr., Esq.
Mr. William K. Cordier, Chairman
Mr. Keith Houseknecht ✓

CDF004216

document and oral communication for which a privilege is claimed.

3. Each party answering these interrogatories is under a continuing duty to reasonably supplement his or her responses with respect to any question directly addressed to the identity and location of persons having knowledge of discoverable matters; the identity of each person expected to be called as a witness at trial; the identity of each person expected to be called as an expert witness at trial and the subject matter on which he is expected to testify; and the identity and location of documents relating to the subject matter of the instant lawsuit. Furthermore, each party is under a duty to amend a prior response immediately upon learning the response is incorrect.

INTERROGATORIES

1. STATE THE MONTH AND YEAR CANTON DROP FORGE, INC. CONSTRUCTED LAGOON NO. 1.

ANSWER: AFTER 12-30-42

2. STATE THE PURPOSE FOR WHICH CANTON DROP FORGE CONSTRUCTED LAGOON NO. 1.

ANSWER:

STORM WATER COLLECTION & TREATMENT
PLANT PROCESS WATER COLLECTION & TREATMENT

Ed R. J. Jr. Preliminary Soil & Groundwater Assessment
Page 6-8 Section 7.2 & 7.3

Hammond
Pp 21 n. 5 & 6 Assessment
Pg 4 Storm water Reception

3. STATE WHO CONSTRUCTED LAGOON NO. 1.

ANSWER: UNITED STATES ARMY AIR CORPS

4. STATE HOW LAGOON NO. 1 WAS CONSTRUCTED.

ANSWER: EXCAVATED, NO LINER

5. STATE WHETHER DOCUMENTS EXIST REGARDING THE CREATION OF LAGOON NO. 1.

ANSWER: NO ~~WE~~

6. IF THE ANSWER TO INTERROGATORY NO. 5 WAS "YES", IDENTIFY THE PERSON(S) WITH CUSTODY OF THE DOCUMENTS.

ANSWER: NA

Myers Geopline, Mineral Div.
Kerosene

7. STATE WHETHER DOCUMENTS EXIST REGARDING THE LIQUID AND/OR SOLID MATERIAL DEPOSITED INTO LAGOON NO. 1 FROM THE DATE OF ITS CREATION THROUGH JULY 1995.

ANSWER: NO. SEE MSDS SHEETS FOR POSSIBILITIES FROM RECENT PAST.

8. IDENTIFY THE PERSON(S) WITH CUSTODY OF THE DOCUMENTATION LISTED IN THE ANSWER TO INTERROGATORY NO. 7.

ANSWER: NA

9. STATE WHETHER ANY FEDERAL, STATE OR LOCAL HEALTH OR ENVIRONMENTAL PROTECTION AGENCY HAS EVER ISSUED A CITATION TO CANTON DROP FORGE, INC. REGARDING LAGOON NO. 1.

ANSWER: NO

10. IF THE ANSWER TO INTERROGATORY NO. 9 WAS "YES", STATE THE AGENCY, MONTH AND YEAR FOR ALL CITATIONS ISSUED REGARDING LAGOON NO. 1.

ANSWER: NA

11. STATE THE MONTH AND YEAR CANTON DROP FORGE, INC. CONSTRUCTED LAGOON NO. 2.

ANSWER: PRIOR TO 12-30-42 DRAWING BY MORTON LEAVITT

12. STATE THE PURPOSE FOR WHICH CANTON DROP FORGE CONSTRUCTED LAGOON NO. 2.

ANSWER: STORM WATER COLLECTION & TREATMENT
PLANT PROCESS WATER COLLECTION & TREATMENT

13. STATE WHO CONSTRUCTED LAGOON NO. 2.

ANSWER: UNITED STATES ARMY AIR CORPS

14. STATE HOW LAGOON NO. 2 WAS CONSTRUCTED.

ANSWER: EXCAVATED, NON LINED

15. STATE WHETHER DOCUMENTS EXIST REGARDING THE CREATION OF LAGOON NO. 2.

ANSWER: NONE

16. IF THE ANSWER TO INTERROGATORY NO. 15 WAS "YES", IDENTIFY THE PERSON(S) WITH CUSTODY OF THE DOCUMENTS.

ANSWER: NA

17. STATE WHETHER DOCUMENTS EXIST REGARDING THE LIQUID AND/OR SOLID MATERIAL DEPOSITED INTO LAGOON NO. 2 FROM THE DATE OF ITS CREATION THROUGH JULY 1995.

ANSWER: NO. SEE MSDS SHEETS FOR
POSSIBILITIES FROM THE RECENT PAST

18. IDENTIFY THE PERSON(S) WITH CUSTODY OF THE DOCUMENTATION LISTED IN THE ANSWER TO INTERROGATORY NO. 17.

ANSWER: NA

19. STATE WHETHER ANY FEDERAL, STATE OR LOCAL HEALTH OR ENVIRONMENTAL PROTECTION AGENCY HAS EVER ISSUED A CITATION TO CANTON DROP FORGE, INC. REGARDING LAGOON NO. 2.

ANSWER: No

20. IF THE ANSWER TO INTERROGATORY NO. 19 WAS "YES", STATE THE AGENCY, MONTH AND YEAR FOR ALL CITATIONS ISSUED REGARDING LAGOON NO. 2.

ANSWER: NA

21. STATE WHETHER CANTON DROP FORGE, INC. HAS CONDUCTED, OR HAS DIRECTED A THIRD-PARTY TO CONDUCT, A CHEMICAL ANALYSIS OF LAGOONS NO. 1 AND NO. 2 SINCE SEPTEMBER 1, 1996.

ANSWER: No

22. IF THE ANSWER TO INTERROGATORY NO. 21 WAS "YES", PLEASE STATE THE DAY, MONTH AND YEAR SUCH CHEMICAL ANALYSIS(ES) WAS CONDUCTED.

ANSWER: NA

23. IF THE ANSWER TO INTERROGATORY NO. 21 WAS "YES", PLEASE IDENTIFY THE INDIVIDUAL(S) AND/OR ORGANIZATION(S) WHO CONDUCTED THE CHEMICAL ANALYSIS.

ANSWER: NA

24. IF THE ANSWER TO INTERROGATORY NO. 21 WAS "YES", STATE WHETHER THE CHEMICAL ANALYSIS DETERMINED TOTAL PETROLEUM HYDROCARBON LEVELS.

ANSWER: NA

25. STATE IF THE PERSONS AND/OR ORGANIZATIONS IDENTIFIED IN INTERROGATORY NO. 23 PREPARED A REPORT IN CONNECTION WITH THEIR TESTING OF LAGOON NO. 1 AND NO. 2.

ANSWER: NA

26. IF THE ANSWER TO INTERROGATORY NO. 25 A WAS "YES", PLEASE IDENTIFY THE CUSTODIAN OF SAID REPORT.

ANSWER: NA

27. IF THE ANSWER TO INTERROGATORY NO. 21 WAS "YES", PLEASE STATE THE SAMPLE COLLECTION METHOD(S) UTILIZED.

ANSWER: NA

28. IDENTIFY ALL PERSONS OR BUSINESS ENTITIES WHO SUBMITTED A BID ON CANTON DROP FORGE, INC. CONTRACT NO. 95-2.

ANSWER: KELCHNER ENVIRONMENTAL
THE CRITTER COMPANY

29. STATE THE NATURE OF CANTON DROP FORGE, INC.'S BUSINESS RELATIONSHIP WITH HAMMONTREE AND ASSOCIATES, LTD. RELEVANT TO CONTRACT NO. 95-2.

ANSWER: COORDINATE ACTIVITIES AS REQUIRED
SAMPLE FOR TPH AS REQUIRED
PREPARE CONTRACT DOCUMENTS
AS ENVIRONMENTAL CONSULTANT.

30. PLEASE STATE ALL DUTIES, RESPONSIBILITIES AND OBLIGATIONS HAMMONTREE AND ASSOCIATES, LTD. OWED TO CANTON DROP FORGE, INC. IN CONNECTION WITH THE PREPARATION, ADMINISTRATION AND OVERSIGHT OF CONTRACT NO. 95-2.

ANSWER:

CONTRACT PREPARATION
LIAISON BETWEEN CDF & CONTRACTORS
DETERMINATION OF EXTENT OF CONTAMINATION IN LAGOONS
SAMPLE FOR PRESENTS OF CONTAMINANTS IN LAGOONS
CONFIRMATION TESTING OF TREATED MAT'L FOR TPH
AS REQUIRED BY TCE
DETERMINE REQUIREMENTS, TIMING & CONTENT OF COMMUNICATION
W/ AUTHORITIES

31. STATE ALL PERSONS CANTON DROP FORGE, INC. PERMITTED HAMMONTREE AND ASSOCIATES, LTD. TO PHYSICALLY WORK ON OR ABOUT THE PROJECT SITE IN ORDER TO PREPARE, ADMINISTER AND/OR OVERSEE CONTRACT NO. 95-2.

ANSWER:

GENE HILL, HAMMONTREE & ASSOCIATES, LTD, 5233 STONEHAM Rd.
NORTH CANTON, OHIO 44720

SCOT KLINGENSMITH, ENVIRONMENTAL RESOURCES, INC, PO BOX 276
WESTERVILLE, OHIO, 43081, GENERAL MANAGER / PROJECT COORDINATOR

JERRY COON, THE CRITER COMPANY, 6890 E. SUNRISE DRIVE
TUCSON, ARIZONA, 85715, CHAIRMAN OF THE BOARD

RANDY FARNETH, KELCHNER ENVIRONMENTAL INC, 2605 WILLIAMS -
BURG LN., CANTON, OH, 44708, CORP. ACCOUNTS MANAGER

STAN EVANS, BEAVER EXCAVATING CO., 4650 SOUTHWAY ST. S.W.,
CANTON, OH, 44706, PROJECT MANAGER

KENNETH KOZAK, SUNPRO, INC, 7392 WHIPPLE AVE., NW
NORTH CANTON, OH, 44720, CORPORATE ACCOUNTS MGR.

32. STATE WHETHER LAGOON NO. 1 OR NO. 2 HAVE EVER BEEN THE SUBJECT OF A CIVIL LAWSUIT AGAINST CANTON DROP FORGE, INC.

ANSWER:

NO

33. PLEASE IDENTIFY ALL EXPERT WITNESSES CANTON DROP FORGE, INC. EXPECTS TO CALL AT TIME OF TRIAL.

ANSWER:

34. SINCE JANUARY 1, 1996, STATE WHETHER CANTON DROP FORGE, INC. HAS EITHER ACCEPTED BIDS AND/OR CONTRACTED FOR THE COMPLETION OF ANY AND ALL WORK CONTEMPLATED UNDER CONTRACT NO. 95-2, AND IF SO, STATE:

- A. THE NAME OR NAMES OF ALL PERSONS AND/OR ENTITIES CANTON DROP FORGE HAS ACCEPTED BIDS FROM AND/OR CONTRACTED WITH;
- B. THE NATURE OF THE WORK TO WHICH THE BID WAS ACCEPTED AND/OR THE CONTRACT WAS AWARDED;
- C. THE BID PRICE AND/OR THE CONTRACT PRICE; AND

ANSWER: 1A BEAVER EXCAVATING COMPANY,

1B TURN MATERIAL IN CELL ON TWO OCCASIONS

1C \$917,211,132.28

2A BEAVER EXCAVATING COMPANY

2B CLEAR BIO MAT'L FROM AROUND PIPE, REMOVE PIPE & CAP

2C UNKNOWN

3A RANDEL SALES CO

3B HAUL & DISPOSE OF CONSTRUCTION & DEMOLITION DEBRIS

3C \$760.00

35. STATE ALL LAY WITNESSES CANTON DROP FORGE, INC. INTENDS TO CALL AT TIME OF TRIAL.

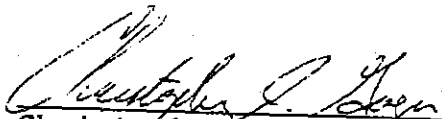
ANSWER:

36. PLEASE LIST ALL SECTIONS OF CONTRACT 95-2 WHICH OBLIGATES THE CRITTER COMPANY TO CONDUCT TESTING TO DETERMINE THE LEVELS OF TOTAL PETROLEUM HYDROCARBONS IN LAGOONS NO. 1 AND/OR NO. 2.

ANSWER: SEE SHEET ATTACHED

36. LIST ALL TECHNICAL DATA, AS DEFINED BY CONTRACT 95-2, CANTON DROP FORGE, INC., OR ITS AGENTS, PROVIDED TO THE CRITTER COMPANY DURING THE BIDDING OR PERFORMANCE OF CONTRACT 95-2.

ANSWER: SITE VISIT
SAMPLES OF LAGOON SLUDGE - (PER 2/1/95 HARGRAVE REPORT)
"REQUEST FOR PROPOSAL" - (")
TEST RESULTS 4 SAMPLES LAGOON #1
" " 7 SAMPLES LAGOON #2
MAY HAVE RECEIVED COPY, LESS PRICING INFO, OF
2/1/95 LAGOON #1 REPORT & 3/1/95 LAGOON #2 REPORT
Respectfully submitted,


Christopher J. Gagis, Esq.
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Reg. No. 0062820